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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,108	09/17/2003	Timothy W. Sheriff	17904-294811	4745

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MINNEAPOLIS, MN 55402

EXAMINER
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WOLFE, DEBRA M

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/664,108	SHERIFF, TIMOTHY W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Debra Wolfe	3725	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |



## DETAILED ACTION

### *Specification*

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: headings are not are not in upper case and are underlined, paragraph 7 of the Detailed Description of the Invention



section states "the post 40 projects into recess 74," it is the understanding of the examiner that the recess is noted as numeral 76 and the relief is referenced by numeral 74.

Appropriate correction is required.

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "right angle 82." Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

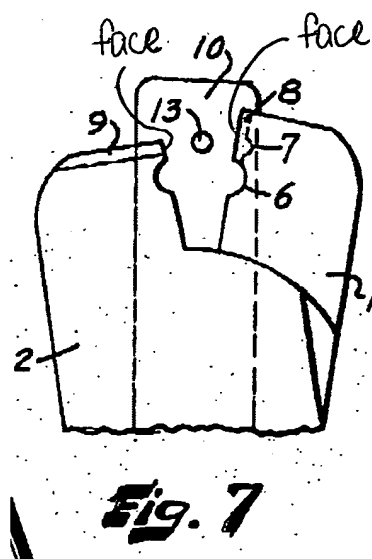
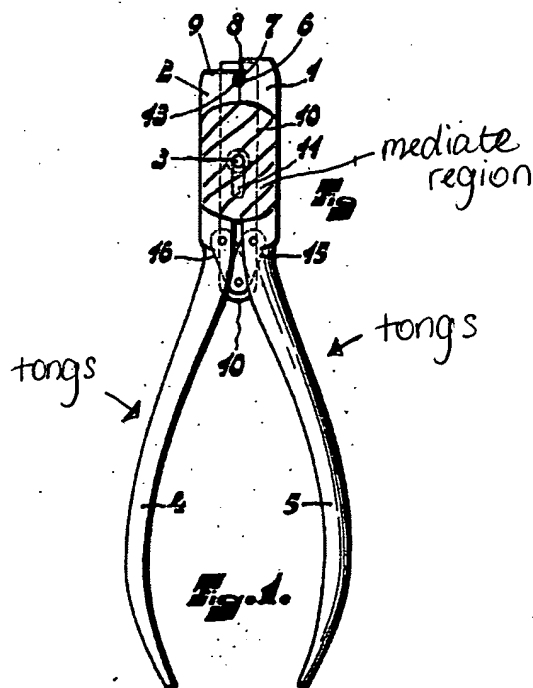
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Knoester (U.S. Patent # 2,824,583). Knoester discloses a loop or eye forming pliers having a first and second member (tongs, See col. 2, line 16), each having a jaw (1, 2) with a flat face (See FIG 7) at a

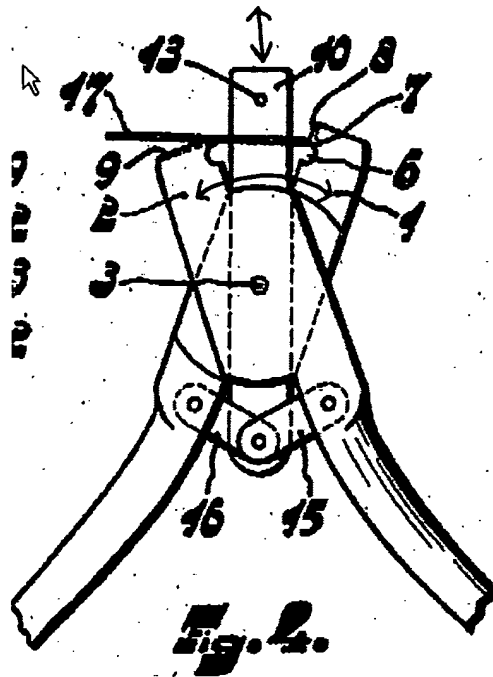


distal end and a relief (cavities 6) located between the face (See FIG 7) and mediate region (See FIG 1) thereby forming a recess when the first and second members (tongs) are assembled with the faces opposing each other, a handle (handles 4, 5) and a mediate region (See FIG 1); a connecting means (common pivot 3) for securing the first and second members together at the mediate region and for preventing pivoting movement between the first and second members while locating the jaws on the same side of the connecting means such that the jaws are opposed to each other and free to move towards and away from each other (See FIG 1); a link (plate 10) attached to the mediate region (See FIG 1) of the first and second members (tongs) having a post (core pin 13) projecting from the link (plate 10) and projecting into the recess formed by the reliefs (cavities 6) of the jaws (1, 2).





As it appears in Knoester the link (plate 10) is loosely secured to the mediate region (See FIG 1) of the first and second members (tongs) to permit limited movement of the post within the recess and the post (core pin 13) is free to move towards and away from the connecting means (common pivot 3) through a slot (11) on the link (plate 10). Figure 4 of Knoester appears to show the jaws (1, 2) having a closing arc and the post (core pin 13) having a limited movement generally perpendicular to the closing arc of the jaws (1, 2) (See arrows of FIG 4).



*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoester (U.S. Patent # 2,824,583) in view of Ronk (U.S. Patent # 649,955). Knoester discloses the invention substantially as claimed except for a wire forming tool having an adjustable stop. However, Ronk teaches the use of an adjustable stop (set screw  $a^5$ ) on a combined saw setting, gumming and wire working tool for the purpose of limiting the inward movement of the levers (See col. 1, line 44). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knoester with an adjustable stop (set screw  $a^5$ ) as taught by Ronk in order to limit the amount of pivoting movement of the jaws towards each other.

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knoester (U.S. Patent # 2,824,583) in view of Broberg Jr. (U.S. Patent # 4,423,757). Knoester discloses the invention substantially as claimed except for a wire forming tool having a through hole in one of the first and second members. However, Broberg Jr teaches the use of a through hole (bore 38) for the purpose of bending the wire (See FIG 6). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knoester with a through hole (bore 38) as taught by Broberg Jr in order to receive a wire and make a prebend.



3. Claims 10 -12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knoester (U.S. Patent # 2,824,583) in view of Wood (U.S. Patent # 4,637,084). Knoester discloses the invention substantially as claimed except for wherein the connecting means includes a screw and a threaded rivet with the screw projecting laterally through the mediate region to receive the link and a locking nut for retaining the link to the mediate region. However, Wood teaches the use of a pin (13) with a head (15) at one end and a threaded opposite end engaged by a nut (16). Wood also discloses that it is known in the art to use other types of pivot members to pivotally connect lever members (See col. 3, line 41). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knoester with a connecting means having a screw, a threaded rivet, and a locking nut as taught by Wood in order to pivotally secure the first and second members and the link together.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Friday 6am-3:30pm with alternating Fridays 6am-2:30pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.





Application/Control Number: 10/664,108  
Art Unit: 3725

Page 8

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra Wolfe  
Examiner  
Art Unit 3725

A handwritten signature in black ink, appearing to read "Derris H. Banks", is written over the printed name.

**DERRIS H. BANKS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**